

SUPPLY MANAGEMENT



July 15, 2019

Aarian Marshall  
MuckRock News  
DEPT MR 74217  
411 A Highland Ave  
Somerville, MA 02144-2516

RE: FOIA Case No. 2016-FPRO-01004

Dear Ms. Marshall:

This is in response to your Freedom of Information Act (FOIA) request dated May 28, 2019 to the United States Postal Service, which requests documents related to the USPS's May 2019 pilot program with the autonomous trucking company TuSimple, including but not limited to data, safety reports, presentations, permits, schedules, schematics, budget documents and correspondence.

Under the FOIA, 5 U.S.C. § 552, agencies are required to produce records responsive to a request in accordance with statutory time frames, subject to certain exemptions. The FOIA provides nine exemptions under which records or portions of records may be withheld from public disclosure. 5 U.S.C. §§ 552(b)(1) – (9).

In response to your request, no documents exist with regards to the safety reports, permits or budget documents therefore there are no documents in response to those items mentioned in your request. Any remaining documents which may be responsive regarding the pilot program with the autonomous trucking company TuSimple is being withheld in its entirety pursuant to FOIA Exemptions 3 and 4 due to the commercially sensitive nature of the program. 5 U.S.C. §§ 552(b)(3) and (b)(4).

FOIA Exemption 3 applies to information that is exempt from disclosure under another federal statute; e.g., the Postal Reorganization Act (39 U.S.C. § 410(c)). Section 410(c)(2) of Title 39, U.S. Code, provides that "information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed" is exempt from the disclosure requirements of the FOIA. 5 U.S.C. § 552(b)(3). Applying Section 410(c)(2), we submit that it would not be good business practice to release commercially-sensitive, business information. Section 410(c)(2) protects not only commercial records generated by the Postal Service, but also information "obtained from a person outside the Postal Service."

FOIA Exemption 4 permits agencies to withhold "trade secrets and commercial or financial information obtained from a person that is privileged or confidential" such as a supplier or customer. We consider that public release of commercially sensitive, proprietary business information could seriously impair the Postal Service's ability to obtain necessary information in the future and would likely also harm the suppliers competitively positions. Private sector businesses do not disclose such information in good business practice; rather, it is considered sensitive commercial information.

If you are not satisfied with the response to this request, you may file an administrative appeal within 90 days of the date of this response letter by writing to the General Counsel U.S. Postal Service 475 L'Enfant Plaza SW Washington, DC 20260 or via email at [FOIAAppeal@usps.gov](mailto:FOIAAppeal@usps.gov). Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. The letter of appeal should include, as applicable:

- (1) A copy of the request, of any notification of denial or other action, and of any other related correspondence;
- (2) The FOIA tracking number assigned to the request;
- (3) A statement of the action, or failure to act, from which the appeal is taken;
- (4) A statement identifying the specific redactions to responsive records that the requester is challenging;
- (5) A statement of the relief sought; and
- (6) A statement of the reasons why the requester believes the action or failure to act is erroneous.

For further assistance and to discuss any aspect of your request, you may contact any of the following:

- Name of agency official and/or FOIA Coordinator that processed your request:

SUPPLY MANAGEMENT INFRASTRUCTURE  
 US POSTAL SERVICE  
 475 L'ENFANT PLAZA SW, ROOM 1141  
 WASHINGTON, DC 20260-6201  
 Phone: (202) 268-3908  
 FOIA Coordinator: Marthea Hodge, Purchasing & Supply Management Policy Specialist  
 Email: [marthea.e.hodge@usps.gov](mailto:marthea.e.hodge@usps.gov)

- FOIA Requester Service Center:

PRIVACY & RECORDS OFFICE  
 US POSTAL SERVICE  
 475 L'ENFANT PLAZA SW RM 1P830  
 WASHINGTON DC 20260-1101  
 Phone: (202) 268-2608  
 Fax: (202) 268-5353

- FOIA Public Liaison: Jane Eyre (Can be contacted at the above Requester Service Center address and phone number)

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Thank you for your interest in the United States Postal Service.

Sincerely,

*Marthea Hodge*

Marthea Hodge  
FOIA Coordinator